

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:25-cv-11048-ADB

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS—HARVARD
FACULTY CHAPTER et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE et al.,

Defendants.

Case No. 1:25-CV-10910-ADB

**MOTION FOR A STAY OF DEADLINE TO FILE A STATUS REPORT
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the deadline to file a status report in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the federal Defendants. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal Defendants are prohibited from working, even on a voluntary basis, except in very limited

circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the deadline to file a status report until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that Plaintiff President and Fellows of Harvard College does not oppose the filing of this motion.

6. Opposing counsel has informed counsel for the Government that Plaintiff American Association of University Professors – Harvard Faculty Chapter, et al., opposes the filing of this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the deadline to file a status report in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: October 1, 2025

Respectfully submitted,

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JOSEPH BORSON
Assistant Director, Federal Programs Branch

/s/ Ryan M. Underwood

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by 28 U.S.C. § 515

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Counsel for Defendants

CERTIFICATE OF SERVICE

Counsel for Defendants certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Defendant hereby certify that they have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Ryan M. Underwood
Ryan M. Underwood